

OPINION
56-92

May 22, 1956 (OPINION)

PENITENTIARY

RE: Inmates - Escapees Liable for Costs or Own Capture

In your letter of May 18, 1956, you request an opinion as to whether a penitentiary inmate who has been transferred to and has escaped from the State Hospital is liable to have his credit account used to pay the expense of his capture, pursuant to section 12-4820 of the Code. Insofar as pertinent, that section provides:

"The money to the credit of any prisoner who escapes or violates his parole shall be used to pay the expense of his apprehension and capture."

In our opinion, any moneys to the credit of a prisoner who escapes from the State Hospital may be used to pay the expense of his capture (assuming said capture occurs within one year after the escape). The statute quoted from is not so narrow as to apply only to those prisoners who escape from the penitentiary. The essence of the statute is escape of a prisoner; the mere fact that he has escaped from some place other than the penitentiary does not mean that he is no longer a "prisoner" within the meaning of said statute.

LESLIE R. BURGUM

Attorney General